

Serial No.: 09/548,322
Atty. Docket No.: 110768.00102

R E M A R K S

In view of the above amendments and foregoing remarks, favorable reconsideration in this application is respectfully requested.

Withdrawn Claims

The Applicant has canceled all withdrawn claims that do not depend from the examined independent claims 44, 58 and 73. Applicant requests that the Examiner notify them if any of the canceled withdrawn claims would have been rejoined with this application in the event the case is otherwise ready for issuance.

Claim Rejection - 35 U.S.C. §102

The Examiner rejects claims 44, 45, 49, 50, 58, 59 and 73-74 as being anticipated by Leeds (U.S. Patent No. 6,393,465). The Examiner also rejects claims 86-90 as being unpatentable over Leeds in view of Barchi (U.S. Patent No. 6,507,866).

The Examiner notes that Leeds does NOT (*sic*) teach a RCPT command, but that the claims are not limited to a RCPT command. (Office Action, p. 4.) On Oct. 11, 2006, a telephone interview was conducted between the Examiner, undersigned counsel, and the inventor. During the interview, the Examiner indicated that it was not clear what the “recipient command” referred to in the claims. More particularly, the Examiner correctly noted that “recipient command” of claim 44 was not limited to an SMTP command because dependent

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claim 86 specifically calls for an SMTP recipient command. Thus, since the Examiner was not clear as to what “recipient command” meant in either of claims 44 or 86, those claims were rejected over the prior art.

Claim 44 has been amended to specifically require the RCPT command of the SMTP protocol. Accordingly, for the reasons noted in the Amendment filed April 18, 2006, claim 44 is patentable over Leeds, and those arguments are incorporated herein by reference.

In addition, new claim 98 is submitted that is similar to unamended claim 44, but defines the “recipient command” as one that “identifies an individual recipient of the electronic message.” This definition follows the definition provided for the SMTP RCPT command. (See, RFC 821, which is at p. 19 of the Postel reference submitted by the Applicant on Aug. 9, 2000; also see RFC 2821, which is at p. 25 of the reference submitted herewith.) However, the “recipient command” of claim 98 is not limited to the SMTP protocol or RCPT command, but is intended to apply to any protocol whether or not presently known. Claim 98 further requires that the recipient command is sent to the authorized host and that the command specifies the sender address of the electronic email. If the recipient command is rejected, the electronic message is rejected as spam.

Thus, by clarifying that a “recipient command” is one that identifies an email recipient, claim 98 does not read on a VRFY or other command. Accordingly, for the reasons noted in the Amendment filed April 18, 2006, claim 98 is patentable over Leeds, and those arguments are incorporated herein by reference.

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Claims 58 and 73 are the system and article claims, respectively, that correspond to method claim 44. New claims 101 and 106 are the system and article claims, respectively, that correspond to method claim 98.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that the prosecution of this application may be expedited.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (110768.00102). In the event that a petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 CFR 1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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